doubt the necessity which the majority imposed upon themselves of inquiring in advance the probable interpretation of the National Banking Law in this respect.

RECOGNITION OF FOREIGN RECEIVERS.—It is fundamental that, although laws are coextensive with the jurisdiction in which they are promulgated, and have, *proprio vigore*, no exterritorial force, in many cases under the doctrine of comity they will be recognized and effectuated in another state. An interesting problem in this connection is presented in the determination of the position of a receiver attempting to sue in the courts of a foreign jurisdiction. It is admitted on all sides that such an official, as an officer of the court which appoints him, has no standing as of right beyond the limits of his own state. *Booth* v. *Clark* (1854) 17 How. 322; *Hope Mut. Ins. Co.* v. *Taylor* (N. Y. 1864) 2 Rob. 278. It is also admitted that he has no standing on principles of comity, where the rights of citizens of the foreign jurisdiction would be impaired. *Hurd* v. *City of Elizabeth* (1879) 41 N. J. L. 1; *Runk* v. *St. John* (N. Y. 1859) 29 Barb. 587. The disputed question is whether the courts of such state can if they desire and no rights of citizens intervene recognize the other court's appointee as a receiver and allow him to sue.

Despite earlier decisions to the contrary in the lower courts, *Olney* v. *Tanner* (1882) 10 Fed. 101, the Supreme Court of the United States in *Booth* v. *Clark*, supra, took a position strongly adverse to such recognition. It is not clear that Mr. Justice SWAYNE in that case did more than, as his view of the requirements of comity, to declare against the delivery of assets to one who is answerable solely to a foreign court, and more recent federal cases have apparently so regarded the decision. *Sands* v. *Greeley & Co.* (1898) 88 Fed. 130; *Lewis* v. *Am. Naval Stores Co.* (1902) 119 Fed. 391. But all doubts as to the position of the Supreme Court have now been dispelled by its decision in *Great Western M. Co.* v. *Harris* (1904) 198 U. S. 561, which absolutely denies the possibility of such recognition. The decisiveness of this last case has been recently illustrated in the refusal of the Circuit Court of Appeals to sustain a suit by a foreign receiver, though he had applied for and received from the lower court full permission to proceed. *Fowler* v. *Osgood* (1905) 141 Fed. 20.

Against this well defined position of the United States courts, the uniform decisions of the state courts are commonly said to support the view that a foreign receiver will be recognized as a matter of comity where it can be done without prejudice to the rights of citizens. High, Receivers §§ 47, 241; Beach, Receivers §§ 17, 18. Many of the cases expressing such views contain the added element that the receiver, beside being a court officer, has been put to some extent in the position of the insolvent by an assignment, *Bank* v. *McLeod* (1882) 38 Oh. St. 174, or by a quasi-assignment under the operation of a statute. *Insurance Co.* v. *Wright* (1883) 55 Vt. 526; *Gilman* v. *Ketcham* (1893) 84 Wis. 60; *Hoyt* v. *Thompson* (1851) 5 N. Y. 320. These decisions are clearly to be supported. Where the insolvent makes an assignment of his property, the receiver may be allowed to sue beyond the jurisdiction on that ground alone. *Graydon* v. *Church* (1859) 7 Mich. 36. So also, where an insolvent corporation is amenable to a statute making a receiver,

properly appointed, the successor to its assets and claims, it requires only the recognition, through comity, of the state's enactment to accord the receiver a right to sue in the foreign court apart from his position as the officer of the home tribunal. *Howarth* v. *Angle* (1900) 162 N. Y. 179, 186; *Relfe* v. *Rundle* (1880) 103 U. S. 222. Merely as a court officer, a receiver can be accepted only so far as the appointing court has given him authority. *Corey* v. *Long* (N. Y. 1872) 43 How. Pr. 492, 500; *Battle* v. *Davis* (1872) 66 N. C. 252. And since such court can give him valid authority to sue only within its own state, the position of the United States courts can scarcely be deemed unsupportable in theory. Yet it is settled that the acts of a state in creating corporations or enacting laws may be recognized by comity, though both are as much without authority beyond the jurisdiction. *Bank of Augusta* v. *Earle* (1839) 13 Pet. 519; *Blanchard* v. *Russel* (1816) 13 Mass. 1. The broader view of the state courts, therefore, seems preferable, especially in view of the expediency of simplifying the administration of insolvent estates.

LIMITATIONS IN TRIAL OF EXTRADITION AND INTERSTATE RENDITION PRISONERS.—The decision of *United States* v. *Rauscher* (1886) 119 U. S. 407, that a prisoner brought within the jurisdiction of a court by virtue of an extradition treaty may not be tried for an offence other than the extradition offence, set at rest the long disputed question as to limitations in trial of the prisoner. 1 Moore, Extradition and Interstate Rendition §§ 150–166. The case is based upon what seems to be the correct theory of the so-called right of asylum, that this right is not the right of the prisoner to have an asylum in the nation to which he has fled, but it is the right of that nation to grant an asylum to the prisoner, which it may do or not as it chooses. See *Ker* v. *Illinois* (1886) 119 U. S. 436. The right of a nation to grant such asylum having become established in the early times is now recognized as an absolute one, 1 Moore, Extradition and Interstate Rendition § 5; so that, in the absence of a treaty, a nation is under no duty whatsoever to surrender a prisoner taking refuge within its boundaries. Wheaton, International Law (8th Ed.) § 115, n. 73; *Short* v. *Deacon* (Pa. 1823) 10 S. & R. 125; *Commonwealth* v. *Hawes* (1878) 76 Ky. (13 Bush) 697. These principles lead inevitably to the conclusions reached in *United States* v. *Rauscher*, supra: that a treaty granting extradition rights being in derogation of a nation's right to grant asylum must be strictly construed; that extradition can be demanded as a right only for the crimes enumerated in the treaty; and that, when surrendered by the nation of asylum, the prisoner is surrendered for but a single purpose, that is, to be tried for the crime named in the requisition. Hence the prisoner may not be tried for other than the extradition crime until he has had a reasonable time to return to the surrendering nation. See 1 Moore, Extradition and Interstate Rendition § 165. To hold otherwise would be a breach of honor and good faith with the contracting nation and in total disregard of the rights of the accused as established by the treaty.

With regard to the question as to whether an extradition prisoner may be arrested upon civil process before having an opportunity to